

**MINUTES**  
**IN THE UNITED STATES DISTRICT COURT FOR THE**  
**MIDDLE DISTRICT OF ALABAMA SOUTHERN, DIVISION**

**HON. CHARLES S. COODY, MAG. JUDGE      AT      MONTGOMERY, ALABAMA**

**DATE COMMENCED:      2/23/07                      AT                      3:01 p.m. to 3:17 p.m.**

**DATE COMPLETED:      2/23/07                      AT                      FTR RECORDING**

LATTIME CONSTRUCTION AND HOME  
BUILDING, INC.

Plaintiff

vs..

CENTURYTEL SERVICE GROUP, et al

Defendant

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CASE NO. 1:05CV-1062-MEF-CSC

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PLAINTIFF

APPEARANCES:

DEFENDANT

Atty. John E. Byrd

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Atty. Craig A. Alexander

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COURT OFFICIALS PRESENT:

COURTROOM DEPUTY: WANDA STINSON

LAW CLERK: CORRIE LONG

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( X) OTHER PROCEEDINGS:      **ORAL ARGUMENTS RE: MOTION TO COMPEL**

**SEE MINUTES ATTACHED**

LOG OF PROCEEDINGS ELECTRONICALLY RECORDED		
<b>Description</b>	oral arguments Re; Motion to compel - 05cv1062-MEF-CSC	
<b>Date</b>	2 /23/2007	<b>Location</b> Courtroom 4B
<b>Time</b>	<b>Speaker</b>	<b>Note</b>
3 :01:06 PM	Court	Court convenes; parties present as noted; Discussion as to the contracts with Atty Alexander; Atty. Boyd is asked to excused and to wait outside; Discussion with Atty. Alexander as to why shouldn't plaintiff have paragraph 8 of the contract ;
3 :02:51 PM	Atty. Alexander	Response;
3 :03:18 PM	Court	Discussion as to plaintiff's understanding of the relationship with Centurytel and Berry;
3 :03:44 PM	Atty. Alexander	Response;
3 :04:52 PM	Court	Discussion as to relationship between the entities and whether or not this paragraph show something about that relationship as to whether or not its related to the questions of advertising;
3 :05:21 PM	Atty. Alexander	Response;Referring to 8.1, 8.2 and 8.3;
3 :05:32 PM	Court	8.1;
3 :05:52 PM	Atty. Alexander	Response as to 8.2;
3 :05:56 PM	Court	8.2 and 8.3;
3 :06:02 PM	Atty. Alexander	Response as to 8.3;
3 :06:33 PM	Court	Discussion as to the second amended to the master services agreement;
3 :07:07 PM	Atty. Alexander	Response;
3 :07:35 PM	Court	Discussions as to the letter dated February 12th which specified certain sections of the contract referring to ssection 1, section 7, 7.6, 7.9 and with addition 8.1 and 8.2, that the court should order the deft to provide the redacted contract that has those paragraphs in it;
3 :08:25 PM	Atty Alexander	Response;
3 :08:31 PM	Court	Ask that Mr. Byrd return to the courtroom;
3 :09:01 PM	Court	Jury selection is set for Monday morning; Court has order that the defts provide to Atty. Byrd a redacted contract not later than Monday; that includes section 1, 7, 7.6, 7.9 along with section 4.1 the financials schedules and also paragraphs 8.1 and 8.2;
3 :10:27 PM	Atty. Byrd	Addresses the court as to parts included to be provided; Such as the relationship of the parties whether it was an agency, independent contractor or what it was;
3 :10:57 PM	Court	Response - contact does not touch on that, but there is a section of the contact that talks about a potential continuing relationship;
3 :11:49 PM	Atty. Alexander	Paragraph 4.0 have some language in that regard;
3 :12:28 PM	Court	The sections that are required to disclosed to you describes the relationship bewteen these parties in terms of there responsibilities to each other;
3 :13:24 PM	Atty. Byrd	What payments, etc., Does Centrytel pay Berry Company?
3 :13:31 PM	Court	Response;

3 :14:35 PM	Atty. Byrd	Does what is given indicate who the advertiser is to pay;
3 :14:44 PM	Court	Response -Not sure;
3 :14:59 PM	Atty. Alexander	Under section 4.0 the financial schedule that provides that Centurytel through its normal billing process shall having billing and collections rsponsibility for local exchange area;
3 :15:12 PM	Court	Response -section 7.0 addresses that question also;
3 :15:29 PM	Atty. Byrd	Does it say whose responsible for incorrect ads;
3 :16:03 PM	Court	No.
3 :16:10 PM	Atty. Byrd	Does show the duty of each party to each other;
3 :16:14 PM	Court	You will get those paragraphs that specify that insofar as the issues in the case;
3 :16:24 PM	Atty. Byrd	And it talks about who has control and who don't have control;
3 :16:30 PM	Court	Response;
3 :16:52 PM		
3 :16:53 PM	Atty. Byrd	That's 7.0 and 4.0 in addition to what I get;
3 :16:54 PM	Court	It's section 1, 7.0, 7.6, 7.9, 4.1, 8.1, 8.2 and 4.0;
3 :17:11 PM	Atty. Alexander	I will happy to sit here with Atty. Byrd and talk about these;
3 :17:18 PM	Court	That's fine, we don't have anything else set for this afternoon;
3 :17:27 PM	Court	Court is recessed.